

Article 4: City Employees' Retirement System

Division 4: Retirement for Service of Members

*("Creditable Service" incorp. 1-22-1952 by O-5046 N.S.,
contained in O-10792 O.S. adopted 11-29-1926;
repealed 10-25-1962 by O-8744 N.S.)
("Retirement for Service of Members and Safety
Members" added 10-25-1962 by O-8744 N.S.)
(Retitled to "Retirement for Service of Members"
on 11-10-1998 by O-18600 N.S.)*

§24.0401 Management of System and Normal Retirement for Service — General Members and Safety Members

The management and control of the Retirement System is vested in the Board of Administration, who shall have authority to adopt such rules and regulations as it may deem proper for the administration of the system. Such Board of Administration is hereby vested with the power and authority to provide a normal retirement allowance for members as provided in Section 24.0402.

The Board is also authorized to provide a normal retirement allowance for safety members as provided in Section 24.0403.

("Management of System and Normal Retirement for Service — General Members and Safety Members" added 12-8-1976 by O-11964 N.S.)

§24.0402 General Member Retirement Allowance

- (a) The System will pay a General Member who retires for service a retirement allowance consisting of:
 - (1) a Service Retirement Annuity, and
 - (2) a Creditable Service Pension.
- (b) The Service Retirement Annuity is the Actuarial Equivalent of the Member's Accumulated Normal Contributions when the Member retires.
- (c) The Creditable Service Pension is the pension derived from the City's contributions, which is sufficient, when added to the Service Retirement Annuity, to equal the Unmodified Service Retirement Allowance.

- (d) The Unmodified Service Retirement Allowance is calculated by multiplying the Member's years of Creditable Service by the retirement factor for his or her age at retirement, as shown in the table for section 24.0402. The resulting number is then multiplied by the Member's Final Compensation. The System prorates the factors from the table for section 24.0402, to reflect quarterly increments in the Member's retirement age.
- (e) Effective July 1, 2002, a General Member who joined the Retirement System before July 1, 2002 may choose, at retirement, to have his or her Unmodified Service Retirement Allowance calculated using:
 - (1) the unmodified factors in effect on July 1, 2000 ("Corbett Factors"), as shown in the table for section 24.0402, with no increase to the General Member's Final Compensation,
 - (2) the unmodified factors in effect on June 30, 2000 ("Old Factors"), as shown in the table for section 24.0402, with a 10% increase to the General Member's Final Compensation, or
 - (3) the unmodified factors in effect on July 1, 2002 ("New Factors"), as shown in the table for section 24.0402, with no increase to the General Member's Final Compensation.
- (f) The Retirement System will calculate the Unmodified Service Retirement Allowances of all General Members who joined the Retirement System on or after July 1, 2002 using the New Factors, with no increase to the General Member's Final Compensation.
- (g) A General Member's Unmodified Service Retirement Allowance may not exceed 90% of his or her Final Compensation if the Member chooses, or is required because of the date the Member joined the System, to have his or her Unmodified Service Retirement Allowance calculated using the New Factors, except:
 - (1) Any Member whose Unmodified Service Retirement Allowance is 90% or more of his or her Final Compensation on or before December 31, 2002, using the New Factors, including any purchase of Creditable Service under this subsection, may continue to accrue or purchase Creditable Service above the 90% limit through December 31, 2002. Any purchase of Creditable Service under this subsection must be applied for by December 31, 2002 and completed before July 1, 2003. On January 1, 2003, the Member's retirement factor and Creditable

Service will be frozen, including any Creditable Service the Member purchases under this subsection before July 1, 2003. The Member's Final Compensation will not be frozen. The Member must make an election on or before January 1, 2003, or the date the member completed his or her purchase of Creditable Service under this subsection, as follows:

- (A) If the Member is eligible to retire, he or she may:
 - (i) continue working and contributing to the Retirement System,
 - (ii) enter DROP, or
 - (iii) retire.
- (B) If the Member is not eligible to retire, he or she may:
 - (i) continue working and contributing to the Retirement System, or
 - (ii) enter the Cap Program. If the Member enters the Cap Program, the Member will stop contributing to the Retirement System, and will instead contribute 3.05% of his or her Base Compensation, biweekly at the end of each pay period, to a Cap Program account established for the Member. The City will match these contributions. Interest will be credited to the Member's Cap Program account as determined by the Board. The Member may continue participating in the Cap Program until he or she first becomes eligible to retire, at which time the Member must either enter DROP or retire.
 - (iii) A Cap Program participant who becomes disabled while participating in the Cap Program is eligible to apply for disability retirement benefits. If the Cap Program participant's application for disability retirement is ultimately approved by the Board, his or her disability retirement benefit will be calculated using the participant's age, Creditable Service and Final Compensation as of the day he or she began participating in the Cap Program.

- (2) A Member may exceed the 90% limit using the New Factors, and may continue accruing retirement benefits until he or she is eligible to retire for service, if the Member:
 - (A) applied to purchase Creditable Service on or before June 5, 2002, and thereafter completed the purchase,
 - (B) was under 24 years of age when hired by the City, and
 - (C) will exceed the 90% limit because of the Creditable Service he or she applied to purchase on or before June 5, 2002. The Member may not exceed the 90% limit using Creditable Service that he or she applied to purchase after June 5, 2002.
- (3) When a Member who meets the requirements of section 24.0402 (g)(2) first becomes eligible to retire from service, his or her retirement factor and years of Creditable Service will be capped at that time, even if the Member continues to work and contribute to the Retirement System. The Member's Final Compensation will not be capped.
- (h) If the Member chooses to have his or her Unmodified Service Retirement Allowance calculated using either the Old Factors or the Corbett Factors, the Member's Unmodified Service Retirement Allowance will not be capped. Also, the System will refund to the Member, upon retirement, any excess contributions the Member made to fund the New Factors plus interest as determined by the Board.
- (i) The System uses the factors in the table for section 24.0402 to calculate the Unmodified Service Retirement Allowance. The Unmodified Service Retirement Allowance is reduced if the Member selects any of the optional settlements described in Division 6.

Table 1 of Section 24.0402

GENERAL MEMBER RETIREMENT CALCULATION FACTORS

Retirement Age	Unmodified Factors Effective 6/30/00 (Old Factors)	Unmodified Factors Effective 7/1/00 (Corbett Factors)	Unmodified Factors Effective 7/1/02 (New Factors)
55	2.00%	2.25%	2.50%
56	2.00%	2.25%	2.50%
57	2.00%	2.25%	2.50%
58	2.00%	2.25%	2.50%
59	2.08%	2.25%	2.50%
60	2.16%	2.30%	2.55%
61	2.24%	2.35%	2.60%
62	2.31%	2.40%	2.65%
63	2.39%	2.45%	2.70%
64	2.47%	2.50%	2.75%
65 and older	2.55%	2.55%	2.80%

(Retitled from "Retirement Allowance - General Member" and amended 12-18-2002 by O-19121 N.S.)

§24.0403 Retirement Allowances - Safety Member

- (a) The Board shall provide that upon retirement from service a Safety Member is entitled to receive an Unmodified Service Retirement Allowance which shall consist of both:
- (1) A Service Retirement Annuity.
 - (2) A Creditable Service Pension.
- (b) The Service Retirement Annuity is an Annuity which is the Actuarial Equivalent of the Safety Member's Accumulated Normal Contributions at the time of his or her retirement.

- (c) The Creditable Service Pension for Safety Members is a pension derived from the contributions of the City that is sufficient, when added to the Service Retirement Annuity, to equal the Unmodified Service Retirement Allowance.
- (d) Subject only to the retirement allowance cap described in Section 24.0403(e), the Unmodified Service Retirement Allowance is calculated by multiplying a Safety Member's years of Creditable Service by the retirement percentage set forth in Table 1 of Section 24.0403 by the Safety Member's Final Compensation. The factors set forth in Table 1 of Section 24.0403 shall be prorated to reflect quarterly increments in the Safety Member's attained age.
- (e) The unmodified service retirement allowance for a Safety Member shall not exceed 90% of Final Compensation except as provided in Sections 24.0403(f), and 24.0403(h).
- (f) If the Unmodified Service Retirement Allowance of a Safety Member exceeds 90% of Final Compensation using the Retirement Calculation Factors in effect on December 31, 1996, as shown in Table 1 of Section 24.0403, that Safety Member may elect to continue to accrue benefits under that Table and not be subject to the 90% retirement allowance cap set forth in Section 24.0403(e). A Safety Member making such election shall not be required to pay any additional contributions as recommended by the actuary related to the increase in benefits effective January 1, 1997.
- (g) If the Unmodified Service Retirement Allowance of a Safety Member exceeds 90% of Final Compensation using the Retirement Calculation Factors in effect on January 1, 1997, as shown in Table 1 of Section 24.0403 on a date after January 1, 1997, but before April 1, 1997, that Safety Member may elect to accrue benefits in excess of the 90% limitation stated in Section 24.0403(e), provided, however, that such accrual shall cease at the level attained on March 31, 1997.
- (h) Effective July 1, 2000, a Safety Member may choose at the time of his or her retirement either: 1) the Retirement Calculation Factor in effect on July 1, 2000 with no change in the Safety Member's Final Compensation or 2) a ten percent (10%) increase in the Safety Member's Final Compensation, with the Safety Member's Unmodified Service Retirement Allowance calculated using the Retirement Calculation Factors in effect on June 30, 2000.

Table 1 of Section 24.0403
RETIREMENT CALCULATION FACTOR
LIFEGUARD, FIRE AND POLICE

Retirement Age	Unmodified Factor* Effective 1/01/97 - 6/30/00		Unmodified Factor* Effective 7/01/00
	Lifeguard	Police and Fire	
50	2.20%	2.50%	3.00%
51	2.32%	2.60%	3.00%
52	2.44%	2.70%	3.00%
53	2.57%	2.80%	3.00%
54	2.72%	2.90%	3.00%
55	2.77%	2.9999%	3.00%

* Unmodified Factor utilized to calculate the maximum service retirement allowance. The Unmodified Service Retirement Allowance is actuarially reduced if Member elects any optional retirement settlements pursuant to Division 6 of this Chapter.
(Amended 8-7-2000 by O-18835 N.S.)

§24.0405 Special Class Safety Members — Provisions Covering

- (a) A special class safety member who at the effective date of this amendment is receiving a monthly salary of at least \$400.00 shall after completing the required number of years of service for special class safety members, as provided in the Charter, receive a minimum retirement allowance of at least \$200.00 per month.
- (b) Special class safety members employed in the Police Department who entered the service of the Police Department on or prior to the 8th day of May 1941, and who have served for 20 years or more in the aggregate as members or employees in any rank or capacity in said Police Department, regardless of age, shall have the right to retire with a normal retirement allowance, and special class safety members in the Police Department who entered the service of the department subsequent to the 8th day of May 1941, who have completed 25 years of service in the aggregate, shall also have the right to retire with a normal retirement allowance.

- (c) Special class safety members employed in the Fire Department who entered the service of the Fire Department on or prior to January 1, 1936, and who have served for 20 years or more in the aggregate as members or employees in any rank or capacity in said Fire Department, regardless of age, shall have the right to retire with a normal retirement allowance, and special class safety members in the Fire Department who entered the service of the department subsequent to the 1st day of January 1936, who have completed 25 years of service in the aggregate, shall also have the right to retire with a normal retirement allowance.
- (d) Each special class safety member of either the Fire or Police Department who is entitled to retire after 20 years of aggregate service with the City shall receive a pension credit of 2 1/2 percent of his final compensation for each year completed at the effective date of this amendment, but in no case shall such credit exceed 50 percent of such final compensation. For each year completed after the effective date of this amendment the member shall be credited with 1/50th of his final compensation. The 1/50th pension credits specified above will not be allowable until after such member shall have reached the age of 50 years. No member of either department who is entitled to retire after 20 years as above and who has had 20 years of service in the aggregate shall receive less than the following: \$200.00 per month as retirement allowance, together with such additional amount per month as will represent the actuarial equivalent of that portion of the contributions of such member contributed after his 20th year of service but before his attainment of age 50.
- (e) Special class safety members of the Fire and Police Departments who are not eligible for retirement until the completion of 25 years of service in the aggregate shall receive a pension credit of 2 percent of their final compensation for each year completed at the effective date of this amendment, provided that such credit shall not exceed 50 percent of such final compensation, and in addition thereto shall be entitled to credits of 1/50th of their final compensation for each year completed after the effective date of this amendment. The 1/50th pension credits specified in this paragraph will not be allowable until after such member shall have reached the age of 50 years and has completed 20 years of aggregate service in the department.
- (f) The surviving widows of special class safety members who were retired on a disability under the provisions of Section 164 of the Charter 1931, as amended, shall be granted the same benefits provided widows of special class safety members, retired under the provisions of Section 185 of the Charter of 1931, as amended. This section shall become applicable on the first day of

November, 1973.

Except as to those members who are forced to retire because of disability or who die, "Final Compensation" within the meaning of paragraphs (4) and (5) hereof shall be the highest average compensation received during any three consecutive years of service, limited, however, to the following monthly maximums for members who retire: During the first year after this amendment is adopted, \$400.00; during the second year, \$500.00; during the third year, \$600.00; during the fourth year, \$700.00; during the fifth year, \$800.00; and after the end of the fifth year there shall be no ceiling considered in determining the amount of the final compensation.

As to those members who are compelled to retire because of disability or who die after this amendment becomes effective, "Final Compensation" shall be defined as above, but with the following monthly maximums: For death or disability occurring during the first year, \$500.00; during the second year, \$600.00; during the third year, \$700.00; during the fourth year, \$800.00; the fifth year, \$900.00; and after the end of the fifth year, no ceiling shall be considered in determining the amount of the final compensation.

("Special Class Safety Members — Provisions Covering" added 12-8-1976 by O-11964 N.S.)

§24.0405.1 Special Class Safety — Opportunity to Transfer to Safety

Special class safety officers employed in the San Diego Police Department or San Diego Fire Department at the effective date of this ordinance who are not entitled to all of the benefits and privileges of safety members in the City Employees' Retirement System shall be so entitled provided they file an election in writing with the Retirement Board giving up all other retirement rights in favor of those safety member benefits, and provided further that they either 1) deposit in the Retirement Fund before their retirement an amount which, when added to their retirement contributions, is sufficient to make their accumulated retirement contributions equal 8% of their earnable compensation from the beginning of their employment to the earliest possible date of their retirement; or 2) that they continue their employment with the City beyond the earliest possible date of retirement long enough so that the amount of pension that would have been received had they retired as a special class safety member at the earliest possible date equals the amount required in 1) above.

("Special Class Safety — Opportunity to Transfer to Safety" added 12-8-1976 by O-11964 N.S.)